

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LATOYA SHEKETA SMITH

PETITIONER

V.

**4:07CR00314
4:09CV00964**

UNITED STATES OF AMERICA

RESPONDENT

ORDER

Petitioner has filed a notice of appeal which the Court will construe as a motion for a certificate of appealability. In order for this Court to grant a certificate of appealability, the petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2), which the United States Supreme Court has interpreted to require that the petitioner “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Tennard v. Dretke*, 542 U.S. 274, 282 (2004), quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

In this case, Petitioner has failed to make such a substantial showing of the denial of a constitutional right. Accordingly, for the reasons previously stated in the order denying Petitioner’s petition, the motion for certificate of appealability, docket # 100 is denied.

IT IS SO ORDERED this 8th day of December, 2010.


James M. Moody
United States District Judge